

CITY COUNCIL
ATLANTA, GEORGIA

A SUBSTITUTE ORDINANCE BY COUNCILMEMBER

Clair Muller

01-O-1991

AN ORDINANCE RECEIVING THE REPORT AND RECOMMENDATIONS OF THE NEWCOMB & BOYD SPECIAL TECHNOLOGIES GROUP ENTITLED "SOUND STUDY REPORT FOR CHASTAIN AMPHITHEATRE," DATED NOVEMBER 26, 2001, AND AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ATLANTA TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT ENTERED INTO AS OF JANUARY 1, 2001, WITH CHASTAIN VENTURES, A GEORGIA JOINT VENTURE COMPOSED OF THE ROBERT W. WOODRUFF ARTS CENTER, INC., ON BEHALF OF THE ATLANTA SYMPHONY ORCHESTRA, AND CONCERT / SOUTHERN CHASTAIN PROMOTIONS, A GEORGIA JOINT VENTURE CONSISTING OF SOUTHERN PROMOTIONS, INC., AND HIGH COTTON, INC., BOTH OF WHICH ARE GEORGIA CORPORATIONS, SO AS TO IMPLEMENT NEW SOUND REMEDIATION PROCEDURES AND LIMITS UNDER SAID JANUARY 1, 2001, AGREEMENT FOR THE LEASE AND MANAGEMENT OF THE CHASTAIN PARK AMPHITHEATER IN ACCORDANCE WITH SAID REPORT AND OTHER RELEVANT INFORMATION, AND FOR OTHER PURPOSES.


WHEREAS, the City owns a public entertainment facility located in Chastain Park and known as the Chastain Park Amphitheater; and

WHEREAS, the Chastain Park Amphitheater is a limited-use facility located in a residential neighborhood, where special conditions and restraints dictate a very specialized usage and understanding of the facility; and

WHEREAS, the operational policies and procedures with respect to the facility must be consistent with, and sensitive to, the special nature of the facility; and

WHEREAS, it is the policy of the City of Atlanta to administer a program of municipal support of the arts; and

WHEREAS, the present contract of the City with Chastain Ventures, a Georgia joint venture composed of the Robert W. Woodruff Arts Center, Inc., on behalf of the Atlanta Symphony Orchestra, and Concert / Southern Chastain Promotions, a Georgia joint venture consisting of Southern



Promotions, Inc., and High Cotton, Inc., both of which are Georgia corporations, for the lease and management of Chastain Park Amphitheater, was entered into as of January 1, 2001; and WHEREAS, said contract, in Paragraph 7 thereof, entitled "Sound Operating Procedures," called for there to be studies done by qualified sound consultants and acoustical engineers throughout the 2001 Season, with the consultants and acoustical engineers making a final written report with their recommendations to the City (both administration and Council), and thereafter for final selection of the system for sound remediation techniques to be approved by Council by ordinance, and for the parties to amend the contract so as to reflect the permanent sound level and to implement remediation no later than March 31, 2002; and

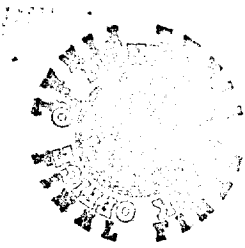
WHEREAS, the sound consultants and acoustical engineers so employed by the City for said studies, Newcomb & Boyd Special Technologies Group, have issued their report to the City as so required, said report being entitled "Sound Study Report for Chastain Amphitheatre," dated November 26, 2001, a copy of which is attached to this ordinance as "Exhibit A" thereto, and made a part hereof by reference; and

WHEREAS, said report is recommended to the Council for acceptance by the Department of Parks, Recreation & Cultural Affairs as complying with the mandate of said Paragraph 7, entitled "Sound Operating Procedures," of the Renewal Agreement with Chastain Ventures, which Renewal Agreement which was effective as of January 1, 2001:

NOW, THEREFORE, IT IS ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: THAT the City of Atlanta hereby receives the report issued by Newcomb & Boyd Special Technologies Group, said report being entitled "Sound Study Report for Chastain Amphitheatre," dated November 26, 2001, a copy of which is attached to this ordinance as "Exhibit A" thereto, and made a part hereof by reference; and that said report shall be considered as fulfilling the requirements in Paragraph 7, entitled "Sound Operating Procedures," of the Renewal Agreement with Chastain Ventures, which Renewal Agreement which was effective as of January 1, 2001, for the management and operation of Chastain Amphitheater, insofar as said Paragraph 7 called for there to be studies done by qualified sound consultants and acoustical engineers throughout the 2001 Season, with the consultants and acoustical engineers making a final written report with their recommendations to the City (both administration and Council), and thereafter for final selection of the system for sound remediation techniques to be approved by Council by ordinance.

Section 2: THAT the Mayor be, and he hereby is, authorized on behalf of the City of Atlanta to execute a First Amendment to the Renewal Agreement which was entered into effective




January 1, 2001, with Chastain Ventures, a Georgia joint venture composed of the Robert W. Woodruff Arts Center, Inc., on behalf of the Atlanta Symphony Orchestra, and Concert / Southern Chastain Promotions, a Georgia joint venture consisting of Southern Promotions, Inc., and High Cotton, Inc., both of which are Georgia corporations, which First Amendment shall have the purpose of implementing and adopting the procedures and sound remediation techniques as recommended in the report described in Section 1 hereof to the extent set forth below. Based upon said report and other relevant information presented to Council, the sound levels established in said First Amendment are as follows:

For the 2002 Season, 95 dBC averaged over ten minutes measured at the following two points:

- (1) Inside the amphitheater at the same point as required in the Renewal Agreement; and
- (2) Outside the amphitheater at the near edge of Stella Drive.

A sound level for subsequent seasons shall be adopted by December 31, 2002.

- Section 3: THAT by said First Amendment the fines and default schedule for the 2002 Season shall be the same as for the 2001 Season based upon the measurements taken at the back of the house, PROVIDED, however, that over the entire 2002 Season cumulative fines shall not be assessed beyond a maximum of \$12,000.
- Section 4: THAT by said First Amendment the remediation required by Paragraph 7(a) of the Renewal Agreement shall be satisfied by the implementation of the speaker systems and monitoring systems referred to in the referenced report, and the remaining recommendations shall continue to be reviewed and studied.
- Section 5: THAT by said First Amendment the speaker and monitoring systems and any additional sound remediation capital construction performed by the City, whether based upon the report referenced herein or any subsequent sound analysis adopted by the City, shall be paid for from the dedicated trust fund containing the one dollar (\$1.00) per ticket sound surcharge referenced in Paragraph 3(c) of the Renewal Agreement, prior to any other expenditure from said fund.
- Section 6: THAT by said First Amendment Chastain Ventures shall incur all costs and enter into a lease agreement for the audio/sound equipment referenced in the report, PROVIDED that Chastain Ventures shall be reimbursed for such costs from the dedicated trust fund



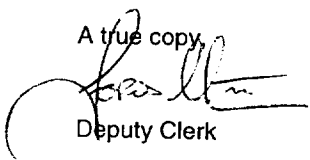
containing the one dollar (\$1.00) per ticket sound surcharge referenced in Paragraph 3(c) of the Renewal Agreement, as and to the extent that such funds become available.

Section 7: THAT by said First Amendment all other terms and conditions of the Renewal Agreement for Chastain Amphitheater entered into effective January 1, 2001, shall be reaffirmed, and shall remain in full force and effect, other than those specifically amended by said First Amendment.

Section 8: THAT all ordinances and resolutions in conflict herewith are hereby repealed for purposes of this Ordinance only, and only to the extent of said conflict.

Substitute Fund Allocation 12-03-01-1

A true copy,



Deputy Clerk

ADOPTED as amended by the Council
APPROVED by the Mayor

DEC 03, 2001
DEC 11, 2001

01-O-1991

RCS# 3379
12/04/01
12:06 AM

Atlanta City Council

Regular Session

01-O-1991 Receive "Sound Study Report for Chastain
 Amphitheater"
 ADOPT/SUB/AMEND

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	NV Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

CORRECTED COPY

01-O-1991

LARGE ATTACHMENT:

DOCUMENT(S),

MANUAL(S)

OR

MAP(S)

NOT COPIED,

PULL ORIGINAL

FOR COPY OR TO VIEW

01-0-1991

(Do Not Write Above This Line)

AN ORDINANCE

BY *Dany Shild*

An Ordinance accepting the report and recommendations of the Newcomb & Boyd Special Technologies Group entitled "Sound Study Report For Chastain Amphitheatre," dated November 26, 2001, and authorizing the Mayor on behalf of the City of Atlanta to execute a first amendment to the agreement entered into as of January 1, 2001, with Chastain Ventures, a Georgia Joint Venture composed of the Robert W. Woodruff Arts Center, Inc., on behalf of the Atlanta Symphony Orchestra, and Concert/Southern Chastain Promotions, a Georgia Joint Venture consisting of Southern Promotions, Inc., and High Cotton, Inc., both of which are Georgia Corporations, so as to implement new sound remediation procedures and limits under said January 1, 2001, agreement for the lease and management of the Chastain Park Amphitheater in accordance with said report and other relevant information, and for other purposes.

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

ADOPTED BY
DEC 03 2001

COUNCIL

11/19/01

CD/HJR

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

DEC 3 2001

ATLANTA CITY COUNCIL PRESIDENT

Barbara A. Parker

CERTIFIED

DEC 03 2001

DEPUTY MUNICIPAL CLERK

Spencer

MAJOR'S ACTION
APPROVED

DEC 1 2001

COUNCIL

Barbara A. Parker